THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.26521 of 2005

Date:27.12.2005

P.Sri Rama Murthy

--------PETITIONER

The Commissioner and others.

---------RESPONDENTS

ORDER:

The petitioner is appointed as a diet contractor for the Area Hospital, Gudivada, on a temporary basis. Respondents 1 to 3 issued a tender notice, dated 10.06.2005, inviting tenders for supply of diet to the inmates of the third respondent-hospital. The petitioner, the fourth respondent and several others submitted their tenders. The petitioner filed W.P.No.17986 of 2005 before this Court alleging that respondents 1 to 3 were taking steps to replace him with another temporary diet contractor. The writ petition was dismissed on 17.11.2005, leaving it open to the petitioner to participate in the tendering process. This writ petition is filed alleging that the fourth respondent does not hold the requisite qualifications to submit his tender and despite the same, respondents 1 to 3 are taking steps to consider the tender submitted by the fourth respondent also.

The fourth respondent filed a counter-affidavit stating that he holds the requisite qualifications. On the other hand, he made allegations against the petitioner as to the nature of his service.

The learned standing counsel for respondents 1 to 3, on instructions, submits that the petitioner is resorting to various steps to protract the finalisation of tenders, with an object of continuing as temporary diet contractor.

Admittedly, the petitioner himself submitted his tender in response to a tender notice, dated 10.06.2005. Any cause of action can be said to have accrued to him, only after

the authority concerned finalises the tenders. The question as to whether the fourth respondent holds requisite qualifications would become relevant, if only his tender is accepted. There is no reason to doubt that respondents 1 to 3 do not verify the qualifications of the tenderers, before the contract is awarded. It is not necessary for this Court to express any opinion as to the allegations and counter-allegations made by the petitioner and the fourth respondent against each other. The first respondent has formulated the policy in the matter of finalisation of tenders by issuing a Circular, dated 22.02.2005. The matter has already been delayed.

For the foregoing reasons, the writ petition is disposed of directing respondents 1 to 3 to finalise the tenders, as early as possible, duly following the procedure stipulated in Circular, dated 22.02.2005. No costs.

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27.12.2005

kdl